

sale was duly reported to, and finally ratified and confirmed by, the court, at September term, in the year 1824.

That two of the instalments of the purchase money were paid, but the third not being paid, suit was instituted by the trustee against the purchaser, and judgment recovered against him, on the 22d of November, 1826, for that instalment; upon which a fieri facias was issued on the 2d of July, 1827. This writ was returnable to November term of that year, and was then returned by the sheriff, as follows: "I hereby certify to the County Court, that by virtue of the within writ to me directed, I did, on the 20th of September, 1827, cause the said writ to be laid on a part of a tract of land, called 'Newbenny,' being the lands he bought of Stanford's heirs, &c., which lands and tenements remain in my hands, for want of buyers."

That thereupon a venditioni exponas was issued out on the 10th of December, 1827, returnable to the then ensuing May term of the County Court, when the sheriff made return thereof as follows: "The said tract of land, called 'Newbenny,' containing two hundred and thirty-six acres, more or less, being the same lands the said Tubman Nelson purchased of a certain Elijah Christopher, trustee for the sale of the real estate of William Stanford, as by reference to the report of the said trustee as aforesaid, will more fully and at large appear," &c., "the said lands and tenements were struck off to John Turner, for the sum of \$3 76 per acre, amounting, in the whole, to the sum of \$887 36, current money, he being the highest bidder for the said tract of land; so that I have thereat levied the sum of \$893 37, and the same hath satisfied and paid unto the said Elijah Christopher, in satisfaction of the debt," &c. The difference between the amount of the purchase money of the land, and the amount made by the sheriff, was caused by a few articles of personal property, also taken in execution.

That, subsequently, on the 24th of June, 1828, the sheriff, by his deed of that date, conveyed the said land to the said purchaser.

The proceedings further show, that the trustee, by whom the sale was made to Tubman Nelson, having died without exe-